

REMARKS

The Final Office Action dated December 4, 2003 (Paper No. 7) and the Advisory Action dated April 21, 2004 (Paper No. 10) have been considered.

Summary of the Final Office Action and the Advisory Action

In the Final Office Action dated December 4, 2003, claims 9-14, 17, 27-32, and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,016,295 to Endoh. Claims 15-16 and 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the Advisory Action dated April 21, 2004, the Examiner indicates that a Response and Request for Reconsideration filed on April 2, 2004 has been considered but does not place the application in condition for allowance.

Summary of the Response to the Office Action

Concurrent with the instant Request for Continued Examination (“RCE”) filing, Applicants have canceled claims 9-44 without prejudice or disclaimer. Moreover, Applicants have added new claims 45-75 to differently describe the invention. Accordingly, claims 45-75 are currently pending for consideration.

Rejection under 35 U.S.C. § 102(e)

Claims 9-14, 17, 27-32, and 35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Endoh. Applicants have canceled claims 9-44 without prejudice or disclaimer, thus rendering these rejections moot. To the extent that these rejections might be applied against newly-presented claims 45-75 in some regard, they are respectfully traversed as follows.

Applicants respectfully submit that Endoh discloses that an audio information piece associated with one selected audio mode among a plurality of permitted audio modes is recorded on a recording medium. In other words, Endoh discloses only one kind of audio information, such as five-channel audio information, in which a song is recorded on a recording medium. Endoh discloses that users can select a reproduction method of how to mix the five channels of one audio information piece on the recording medium. Applicants respectfully submit that many varieties of audio modes to be recorded as audio information are illustrated in Fig. 56 of Endoh. Moreover, audio mode information corresponding to recorded audio information is recorded as BSI in Fig. 55 of Endoh. Figs. 64-70 of Endoh illustrate how to mix, for example, audio information having five channels during reproduction. In this situation, however, the audio information itself is of a single type (i.e., five-channel audio).

As a result, Applicants respectfully submit that Endoh does not disclose, or even suggest, that a plurality of audio information pieces that include different recording modes, but having the same content (for example, one song recorded a plurality of times on the same recording medium using different recording modes). Moreover, Applicants respectfully submit that Endoh does not disclose, or even suggest, details regarding the above-mentioned recording method.

However, Applicants respectfully submit that embodiments of the present invention involve the provision of a plurality of audio information pieces recorded with respective recording modes that are different from each other. These audio information pieces, while recorded with different recording modes, include the same audio content (for example, the same song recorded a plurality of times on the same recording medium using different recording modes). Moreover, Applicants respectfully submit that the present application discloses and claims specific details regarding the above-mentioned recording methodologies.

In the Response filed on April 2, 2004, Applicants presented a detailed traversal of the previous rejections under 35 U.S.C. § 102(e), which applied Endoh against the previous claims of the instant application. The Examiner responded to that traversal in the last paragraph of the Continuation Sheet (PTOL-303) attached to the Advisory Action dated April 21, 2004. In particular, the Examiner asserts that the “same in content ... limitation is interpreted as meaning that the same song or performance is stored.” The Examiner goes on to note that “[a]s admitted by applicant, Endoh stores the same song using different formats” and that this allegedly “meets the claimed storing of audio information different in recording method and same in content.”

Applicants respectfully traverse the Examiner’s statements in this regard because Applicants did not admit to any extent that “Endoh stores the same song using different formats,” as stated by the Examiner. As set forth on at least page 6, line 12 – page 7, line 15 of the Response filed on April 2, 2004, Applicants argued that Endoh is directed to an audio system used particularly in a Karaoke environment in which each of the disclosed recording modes include different combinations of recorded information. In that Response, Applicants asserted that no two modes in Endoh include the same overall recording, and thus they do not include the “same content” as recited in the claims. These arguments apply to the newly-presented claims as well. Accordingly, Applicants respectfully submit that newly-presented claims 45-75 are in condition for allowance over the prior art of record. Withdrawal of all outstanding rejections and objections are thus respectfully requested for at least the foregoing reasons.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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